

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DENNIS L. ECHOLS, }
Plaintiff, }
v. } Civil Action No. 04-243 Erie
JOANNE B. BARNHART, }
Commissioner of Social Security, }
Defendant. }

MEMORANDUM ORDER

Plaintiff's social security complaint was received by the Clerk of Court on August 26, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 11], filed on August 26, 2005, recommended that Plaintiff's Motion for Summary Judgment [Doc. No. 7] be granted, and that Defendant's Motion for Summary Judgment [Doc. No. 9] be denied, and that the matter be remanded to the Social Security Administration for further proceedings. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. Defendant has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment [Doc. No. 7] is GRANTED, and that Defendant's Motion for Summary Judgment [Doc. No. 9] is DENIED; it is further ORDERED that the matter is hereby REMANDED to the Social Security Administration for further proceedings.

The Report and Recommendation [Doc. No. 11] of Magistrate Judge Baxter, filed on August 26, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge